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written the early part of his book better. And there are, in the lists, sins of inclusion and omission. The book is shamefully marred from beginning to end by typographical errors. These are largely, but by no means wholly, in the English proper names, titles, and quotations.

ALBERT BEEBE WHITE.

The Loss of Normandy, 1189-1204: Studies in the History of the Angevin Empire. F. M. POWICKE, M.A., Fellow of Merton College, Oxford. [Publications of the University of Manchester, Historical Series, no. XVI.] (Manchester: The University Press. 1913. Pp. xix, 603.)

THE title of Professor Powicke's book hardly does justice to its scope. It naturally implies a narrative history of the struggle of Philip Augustus to obtain Normandy and of the Angevin kings to keep possession. It is much more than this, for probably one-half is concerned with questions which in a broad sense are constitutional. A brief introduction discusses authorities. The first chapter, also short, on the Angevin empire in France as a whole, emphasizes the importance to the empire of the possessions which had been brought together by the counts of Anjou. Chapters II. and III. deal respectively with common elements in the administration of the Angevin empire and the administration of Normandy. The term administration is used in a wide sense covering nearly all the operations of government. Chapter IV., King Richard and his Allies, is introductory to the narrative proper, and contains a discussion of some institutional topics like homage. With chapter V., Richard I. and Normandy, the narrative history of the struggle begins, and chapter VI., the Loss of Normandy, continues the history to John's withdrawal to England. Chapter VII., the Norman Defences, deals at length with the castle and its place both in military organization and in administration. Chapter VIII., War and Finance, is almost wholly constitutional; chapter IX. on Philip's treatment of Normandy is in part constitutional; and chapter VI., on the consequences of the wars in Normandy is constitutional and social. Appendixes and long notes discuss important topics, among them the truce of God; parage; the Norman bailiwicks; certain Norman officers; King John and Arthur of Brittany, reprinting the author's article in the *English Historical Review*, which is a strong argument for a trial of John on the charge of murder, but rather doubtful legally if John lost Normandy by the supposed first decision; and a detailed account of the division of the baronage resulting from the loss of Normandy, family by family, or fief by fief, which is of great value for reference, and would be of greater value if the names had been included in the index.

A book of this scope, treating of these topics, necessarily touches the feudal system at many points, and must refer in detail to feudal law and customs. In these matters Professor Powicke shows a breadth and accuracy of knowledge hitherto unusual in writers in this field. In a

single but attentive reading of the book I have not noted any statement of fact which I am prepared to say is incorrect. I should like in some places to change the emphasis or perspective, as I shall indicate below, but these are matters of interpretation, not statements of fact. Such a study as is here presented of Norman and French feudal practices, with full recognition of their bearing on English problems, is of great promise for the future of English institutional history. The author's point of view and interpretation of the general situation may be indicated by the following quotations which are read by the present reviewer with great pleasure: "The exact nature of ducal authority, the precise amount of Scandinavian law in Normandy after the settlement of 912, become questions of less moment when it is proved that before the conquest of England Normandy had become a highly centralized feudal State, with financial, judicial and military institutions well defined" (p. 2); "its survival [wardship] in Normandy is a clear sign that Norman society was not merely feudal but essentially and logically feudal" (p. 56); "It is not paradoxical to say that feudalism in Normandy was worked out in such a logical and systematic way because feudal relations were regarded as the material of the state rather than as the end of its being" (p. 59). The account of the small curia, as on page 85, of the importance of contract in the feudal régime, as on page 357, and of the decline of feudalism at the beginning of the thirteenth century, on page 366, are all in line with the best present opinion, as is indeed the whole book.

That feudalism was more logical in its development in Normandy than in England hardly seems proved by the instances cited of land alienation and the application of primogeniture. It would seem natural that as Normandy and England became separate each should go its own way in the development of feudal principles. The statute *De Donis*, trial by peers as applied to the House of Lords, the exclusion of the official class, as official, from the House of Lords, and of the House of Commons from the judgment-making power of that house, which made impeachment possible, are striking instances of logical development in England. The perfectly logical development side by side of great council and small council down to 1911 is evidence also of the highly logical character of the Anglo-Norman state.

In what is said (p. 121) of the relation between treaties and the feudal contract, I should like to emphasize more sharply the clearness with which this fact shows the contemporary understanding of the contractual character of feudalism, but not to modify the statements otherwise. See *The Origin of the English Constitution* (p. 205). It is the distinction between different kinds of contracts which is vague, as the author says. It may be added that it is rather characteristic of the feudal age that distinctions are often vague, or even seem to disappear entirely, between things which are, any one of them, sharply enough defined when a different occasion arises. Robert of Gloucester's dealings with Stephen might be added as a good example from England of the

vassal's making a treaty with his lord. If the word could always be confined strictly to this narrow sense when used in that connection, there would be no objection to calling the coronation charters and Magna Carta treaties. See *Origin* (p. 212, note 6). The importance of homage in the feudal contract is very clearly seen (p. 122). In the sentence "Homage in the narrow sense did not constitute the vassal relation", I understand homage in the narrow sense to mean homage without fealty. But fealty alone, which is of very frequent occurrence, did not constitute the vassal relation. Nor did homage and fealty taken together in every case. This is plainly stated later by Littleton in regard to socage tenures, "*car homage per foy ne fait pas service de Chivaler*" (II. v. c. 117), and this is true of all earlier periods, at least after homage began to be taken of common freeholders. Fealty was of course in their case the essential thing and taking this probably led to the addition of homage, but for all their performance of both homage and fealty, their relationship was never the full feudal. Was homage ever taken without fealty? I think not except in the case of the minor (Bracton, f. 79). All the imperfect or incomplete feudal relationships in the later stages of feudalism, the *milites de familia*, the *barones domestici*, the fief without full vassal obligations including serjeanty tenures viewed from this side, need greatly more careful investigation especially for England.

In regard to Professor Powicke's objection to Vuitry's remark that the financial régime was the outgrowth of feudal institutions and not of political sovereignty, a distinction must be drawn in the history of taxation, as in that of representation, between the origin of the initiating and directing ideas and that of the institutional forms which were used to carry the ideas out. It can hardly be shown, I think, that scutage had much to do with the origin of modern taxation, but that the feudal aid had a decisive influence seems to me certain. John's treatment of the lands of the revolted barons of Poitou (p. 215) seems to have been quite regular. Philip's action in Normandy (p. 415) was based on the same principles. Nor was John's demand of hostages from his barons unwarranted or unusual. John's unusual severity in these matters may very well have been due to the clearness with which he saw that the most difficult problem he had to solve was how to guard against disaffection and treachery. The statement (p. 460) that Arthur might have been rightly hanged at Mirabeau rests on the *de jure* of the reported statement of the pope (M. Paris, II. 659). It is I think an error. John might probably have hanged Arthur, if it had been done on the spot, with less trouble to himself afterwards than his murder caused. Like the hanging of the defenders of a castle, it could hardly have been called murder, but neither act would be *de jure*. Both would be acts of war. There was no legal method of punishing a man except by trial and sentence. In the case cited on page 257, the Marshal does not find mainpernors; he is a mainpernor. Professor Powicke's view of a decisive Angevin influence on Norman administration seems to me hardly proved.

What seems in one respect a rather serious omission, not as affecting accuracy but as affecting completeness, and as regards pitfalls for the unwary, is that no account is given of the curia or of its place in the administrative and legislative system. This is really leaving out the central organ which gave unity to the feudal state. To give this institution its place in the Norman government would not detract from the fame of Henry II. as a lawgiver, for no one can maintain that the curia regis as a body shows any tendency to independent initiative. It probably never acted in legal innovation except on the suggestion of the king or of some high official. In one important way this omission leaves the author's argument less strong than it might be. It leads him to overlook cases where a curia regis (see the *regni sui* of the *Gesta*, I. 194, in one such case) is formed not by the baronage of any one of the states, as would be the normal way, but by bringing together in a single assembly barons from several states acting for all in common. As unions of English and Norman barons, such assemblies both for trials and for the general action of the curia seem to have occurred from an early date. As evidence of treating different feudal states as one state, they are more important than cases of common administration since they ran more directly counter to feudal ideas. The case of legislation in regard to debts which is cited (p. 33, *Gesta*, I. 194) is a notable instance and reference to the apparent composition of this assembly would strengthen the argument. See also Gervase of Canterbury, I. 198. Such an assembly and such action marked out plainly the path which the sovereign ought to follow, if he proposed to unify his dominions, brought together under no theory of a central government or assembly. That Henry did not see the meaning of the step for such a policy shows that he did not fully understand his problem, or in other words that he did not rise above the level of the feudal age. Another omission, which again does not affect accuracy but does completeness, also leaves the contrast between Philip's treatment of his conquests and the conception of their problem by the Angevins less clear than it might be. I refer to the fact that the two senses in which the term "royal domain" was used in France are not brought out clearly in the chapter on Philip and Normandy. The distinction is not overlooked, for in another place (p. 416) it is said that Normandy as a whole became a part of the royal domain, but the chapter deals only with Philip's enlargement of his domain in the narrower, more economic sense, and in general the effect upon the French monarchy of the absorption of these great baronies in the crown is hardly made prominent enough. The Capetian experience with such baronies may easily have led to a clearer understanding of the proper royal policy than anything in England could do, but the character of the Angevin empire ought to have led a statesman of genius to see both the result and the means.

The narrative is given in full detail, more full than by Miss Norgate, as full as by Cartellieri, where the two are parallel to the end of Cartellieri's third volume, but with more emphasis, as would be expected, upon

the Angevin side of events. Mr. Powicke has a high opinion of the ability of both Henry II. and Richard I., and he makes their unusual qualities stand out more clearly, I think, than any one before him, though with full recognition of the fact that they moved within the limits of the feudal world. John is treated with great discrimination. The difficulties under which he labored from treachery are plainly shown. Personally I should like to emphasize a little more his political ability, which it seems to me impossible to deny. Many of his acts with slight change of emphasis or perspective will bear evidence to his intellectual ability, and with no distortion of the facts, for neither interpretation is a matter of record, both are matters of opinion.

Many things which tempt to comment must be passed over. There is pleasant recognition of the services of Professor Haskins in furnishing proof of the character of the Norman government. There is much information on all points of detail. The geographical information which is given is especially noteworthy. Scholars who are interested in any phase of English, as well as Norman history during the period, political, constitutional, genealogical, will find instruction and profit in Professor Powicke's book.

G. B. ADAMS.

Church and State in the Middle Ages. The Ford Lectures delivered at Oxford in 1905, by A. L. SMITH. (Oxford: The Clarendon Press. 1913. Pp. 245.)

THIS volume consists of six lectures devoted mainly to the relation of the papacy to England and English affairs during the thirteenth century. The first deals with papal influences, the second with the law of marriage as enunciated by the popes, the third with the temporal state such as the papacy was anxious to have, the fourth with the protests against the abuses growing out of papal interference in church affairs in England, the fifth with the aims of papal policy in the German Empire, and the sixth with the policy of Innocent IV. in particular.

As a work it is not the classic treatment of the struggle between Church and State over their respective powers, but rather a study of selected details illuminating the position of the papacy in its relation to the clergy and state of England, with a brief excursion into the affairs of the German Empire by way of illustration.

In his first lecture, on papal influences, the author shows that the papal curia got into the way of interfering in the church affairs of the various countries of Europe because the popes were being constantly appealed to by the local clergy to settle their bickerings. It is therefore not surprising that the popes began to assume in an active and aggressive way that which at first had been a burden imposed upon them.

Again in the matter of marriage Mr. Smith makes it clear that the people of the Middle Ages were a primitive and sensual lot, and that with all of the inconsistencies to be found in the regulations emanating